

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of the amendment, claims 1-3, 7, 8 and 12-20 are pending in the present application of which claims 1, 7, 13 and 18 are independent. Claims 12-20 are newly added.

Claims 1-3, 7-8 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tolopka et al. (6,044,349). Claims 4-6, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tolopka et al. in view of Atkinson (2001/0039571).

Drawings

At the outset, the indication that the drawings filed on May 25, 2001 have been accepted is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-3, 7-8 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tolopka et al. Claims 1 and 7 are independent and have been amended. Claim 10 has been canceled. This rejection is respectfully traversed because the claimed invention as set forth in amended claims 1 and 7 and the claims that depend therefrom are patentably distinguishable over Tolopka et al.

Tolopka et al. discloses a secure information storage and retrieval method and apparatus. The apparatus is a smart card 120 for storing information that may be read by a card reader 120. See Figure 1 and Column 3 Lines 5-15. The smart card 120 is used to access information or categories of information and performs no other control functions.

Claim 1 as amended recites “a controller configured to transmit a digital signature stored in said memory through said wireless transceiver in response to a first input from said keypad and said controller is further configured to transmit a signal to a high definition television set for controlling at least one of volume control, channel selection and color selection of said high definition television set.” The Applicant submits that Tolopka et al. fails to teach the remote control for controlling the high definition television set recited in claim 1. Tolopka et al. does not disclose a high definition television set or a remote control. Therefore, Tolopka et al. does not disclose the access of information through a high definition television set or the use of a remote control to control the television set or to transmit a digital signature. Accordingly, Tolopka et al. fails to teach all of the features contained in claim 1,

and thus, this claim is believed to be allowable. Claims 2, 3 and 6 depend upon allowable claim 1 and are also allowable at least by virtue of their dependencies.

Claim 7 as amended recites "a controller configured to transmit a digital signature stored in said memory through said wireless transceiver in response to a first input from said keypad and said controller is further configured to transmit a signal to a high definition television set for controlling at least one of volume control, channel selection and color selection of said high definition television set." The Applicant submits that Tolopka et al. fails to teach the controller configured to transmit a signal to the high definition television set recited in claim 7. Tolopka et al. does not disclose a high definition television set or using one controller to control functions of a high definition television set and to control transmission of a digital signature. Accordingly, Tolopka et al. fails to teach all of the features contained in claim 7, and thus, this claim is believed to be allowable. Claims 8 and 12 depend upon allowable claim 7 and are also allowable at least by virtue of their dependencies.

Claims 1 and 7 recite a remote control which was claimed in canceled claims 4, 5, 9 and 11. Claims 4, 5, 9 and 11 were rejected under 103 as being unpatentable over Tolopka et al. in view of Atkinson. The rejection stated that it was well known to use a remote control for a high definition television set as shown in Atkinson and that it was obvious to combine these elements with the smart card system of Tolopka et al. The Applicant respectfully disagrees. Claim 1 recites a remote control operable to control functions of the high definition television set including volume or channel selection. The remote control is also operable to transmit a digital signature. A remote control performing all of these functions is

not well known and is not disclosed in Atkinson. Therefore, the combination of Tolopka et al. and Atkinson fails to teach or suggest the remote control of claims 1 and 10.

Additionally, Atkinson teaches away from this combination. Atkinson shows a high definition television set to be used in a public area. See Title and Abstract. User's may approach the television set to view and purchase goods. Therefore, there must be several different input devices, each one unique to each user. If the signature was stored in the remote control as the Office Action suggests, the system of Atkinson would not work as intended. Only a single user would be able to order or purchase goods. This is contrary to the intended use of the system shown in Atkinson. Additionally, the Applicant can find no motivation in Tolopka et al. to combine with Atkinson.

At least by virtue of Tolopka et al.'s and Atkinson's failure to provide proper motivation to combine the references and failure to teach or suggest the above identified elements of claims 1 and 7, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103. Accordingly, the Examiner is respectfully requested to allow claims 1 and 7. Claims 2, 3 and 6 depend from allowable claim 1 and claims 8 and 12 depend from allowable claim 7 and are also allowable over Tolopka et al. in view of Atkinson at least by virtue of their dependencies.

*Claim Rejection Under 35 U.S.C. §103*

Claims 4-6, 9 and 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tolopka et al. in view of Atkinson. Claims 4-6, 9 and 11 have been canceled. Therefore, this rejection is now moot.

Newly Added Claims

Claims 12-20 have been added. Claim 12 depends upon allowable claim 7 and is allowable at least by virtue of its dependency. Therefore, the Examiner is respectfully requested to allow claim 12. Claim 13 is independent and claims 14-16 depend upon claim 13. The Applicant submits that claim 13 is allowable over the prior art of record for the reasons stated below, and thus claims 13-16 are believed to be allowable. Claim 18 is independent and claims 19-20 depend upon claim 18. The Applicant submits that claim 18 is allowable over the prior art of record for the reasons stated below, and thus claims 18-20 are believed to be allowable.

Claims 13 recites a “portable digital assistant” having a “a controller configured to transmit a digital signature stored in said memory through said wireless transceiver in response to a first input from said user interface.” The Applicant submits that Tolopka et al. and Atkinson, considered singly or in combination, fail to teach or suggest the claimed invention as set forth in claim 13.

Tolopka et al. discloses a secure information storage and retrieval method and apparatus. The apparatus is a smart card 120 for storing information that may be read by a card reader 120. See Figure 1 and Column 3 Lines 5-15. The smart card 120 is used to access information or categories of information and performs no other control functions. Therefore, Tolopka et al. fails to teach or suggest the use of a personal digital assistant as set forth in claim 13.

Atkinson discloses a system and method for facilitating electronic commerce within public spaces. The system includes a variety of input and output devices including a personal digital assistant 288. See Figure 2 and Paragraph 43. However, Atkinson fails to show a

digital signature stored in or transmitted by the personal digital assistant as set forth in claim 13. Additionally, the Applicant asserts that there is no suggestion or motivation in either Tolopka et al. or Atkinson to combine the references. Accordingly the Examiner is requested to allow claim 13 and claims 14-16 which depend from claim 13.

Claims 18 recites “memory means for storing a digital signature of a user in one of a remote control controlling at least one function of a high definition television set and a personal digital assistant.” The Applicant submits that Tolopka et al. and Atkinson, considered singly or in combination, fail to teach or suggest the claimed invention as set forth in claim 18.

Tolopka et al. discloses a secure information storage and retrieval method and apparatus. The apparatus is a smart card 120 for storing information that may be read by a card reader 120. See Figure 1 and Column 3 Lines 5-15. The smart card 120 is used to access information or categories of information and performs no other control functions. Therefore, Tolopka et al. fails to teach or suggest the use of a personal digital assistant or the use of a remote control as set forth in claim 18.

Atkinson discloses a system and method for facilitating electronic commerce within public spaces. The system includes a variety of input and output devices including a personal digital assistant 288. See Figure 2 and Paragraph 43. However, Atkinson fails to show a digital signature stored in or transmitted by the personal digital assistant or by a remote control as set forth in claim 18. Additionally, the Applicant asserts that there is no suggestion or motivation in either Tolopka et al. or Atkinson to combine the references. Accordingly the Examiner is requested to allow claim 18 and claims 19-20 which depend from claim 18.

PATENT

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

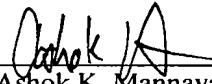
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Douglas WEIGEL

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